IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 7961 OF 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)
Versus
DWARKA NAGAR PANCHAYAT & ORS. - Respondent(s)

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Appearance :
MR. HARDIK C. RAWAL for Petitioner(s).
MS. JIRGA JHAVERI for Respondent(s) : 1.
NONE for Respondent(s) : 2.
MR. UDAY R. BHATT, AGP for Respondent(s) : 3-4.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/06/2006

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE R.S.GARG)

The parties are heard.

2. By the present Writ Application, the petitioners seek to challenge constitutional validity of Section-178(7) of the Gujarat Panchayats Act, 1961 (at the relevant time). From the facts, it appears that the petitioners were having their transport depot within the jurisdiction of Dwarka Nagar Panchayat, which proposed to impose certain property tax upon them. The petitioners were assessed and were required to pay a sum of Rs.1,29,089.80 for the year 1988-89 and 1989-90. Being aggrieved by the said order, the petitioner-Corporation preferred an appeal to the District Panchayat, Jamnagar. The District Panchayat, Jamnagar granted an interim order in favour of the petitioners and asked them to deposit 10% of the assessment amount. Dwarka Nagar Panchayat, being aggrieved by the said order, preferred a Revision Petition to the Development Commissioner, State of Gujarat. The said Commissioner allowed the Revision Petition and directed 100% deposit from the side of the present petitioners. The petitioners, being aggrieved by the said order, has come to this Court in the present Writ Application.

3. On 29th October, 1991, while admitting the Writ Application, this Court directed the petitioners to deposit 50% of the assessment amount and also directed that the appeals preferred by the petitioner-Corporation

shall be heard. The Appellate Forum heard the appeals and ultimately allowed the same. Being aggrieved by the said order, Dwarka Nagar Panchayat has now preferred a Revision Petition.

4. It is not known to anybody as to what has happened to the said Revision Petition preferred by Dwarka Nagar Panchayat.

5. In any case, the present Writ Application, wherein the provisions of Section-178(7) of the Act, are challenged, has become infructuous because of the subsequent events. The petitioners, at this stage, are not required to challenge the said provisions because their appeal stands allowed by the Appellate Forum.

6. In view of the above referred facts, the petition is disposed of. Rule is discharged. No costs.

[***R.S.Garg, J.***]

[***M. R. Shah, J.***]

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